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PTO/SB/64 (09-04)

Approved for use through 07/31/2008, OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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|   |                      |  |
|---|----------------------|--|
| <b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT<br/>ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>  |                      | Docket Number (Optional)<br>012.P53015 |
| First named inventor: Primrose et al.   |                      |  |
| Application No.: 09/918,931   | Art Unit: 2665       |  |
| Filed: July 30, 2001  | Examiner: Nguyen, P. |  |
| Title: DATA LINK/PHYSICAL LAYER PACKET BUFFERING AND FLUSHING   |                      |  |
| Attention: Office of Petitions<br>Mail Stop Petition<br>Commissioner for Patents<br>P.O. Box 1450<br>Alexandria, VA 22313-1450<br>FAX (703) 872-9306  |                      |  |
| NOTE: If information or assistance is needed in completing this form, please contact Petitions<br>Information at (703) 305-9282.  |                      |  |
| The above-identified application became abandoned for failure to file a timely and proper reply to a notice or<br>action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration<br>date of the period set for reply in the office notice or action plus an extensions of time actually obtained.   |                      |  |
| <b>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</b>   |                      |  |
| NOTE: A grantable petition requires the following items: <ol style="list-style-type: none"> <li>(1) Petition fee;</li> <li>(2) Reply and/or issue fee;</li> <li>(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications<br/>             filed before June 8, 1995; and for all design applications; and</li> <li>(4) Statement that the entire delay was unintentional.</li> </ol>   |                      |  |
| 1. Petition fee<br><input type="checkbox"/> Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.<br><input checked="" type="checkbox"/> Other than small entity - fee \$ <u>1,500.00</u> (37 CFR 1.17(m))   |                      |  |
| 2. Reply and/or fee<br>A. The reply and/or fee to the above-noted Office action in<br>the form of <u>an Amendment responsive to the Office Action dated 7/27/05</u> (Identify type of reply):<br><input type="checkbox"/> has been filed previously on _____<br><input checked="" type="checkbox"/> is enclosed herewith.<br>B. The issue fee and publication fee (if applicable) of \$ _____<br><input type="checkbox"/> has been paid previously on _____<br><input type="checkbox"/> is enclosed herewith. |                      |  |

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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## 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

|   |   |
|---|---|
| _____<br>/Michael J. Willardson/<br>Signature           | _____<br>7/3/06<br>Date                               |
| _____<br>Michael J. Willardson<br>Typed or printed name | _____<br>50,856<br>Registration Number, if applicable |
| _____<br>1700 NW 167th Place, Suite 240<br>Address      | _____<br>(503) 439-6500<br>Telephone Number           |
| _____<br>Beaverton, OR 97006<br>Address                 |   |

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: Deposit Account 50-3703

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

BETH NICHOLS  
\_\_\_\_\_  
Typed or printed name of person signing certificate

[Page 2 of 2]

To: Examiner Nguyen, P.

From: Beth Nichols for Michael Willar

7-03-06 2:48pm p. 1 of 24

Please find attached for filing in connection with application no. 09/918,931, entitled DATA LINK/PHYSICAL LAYER PACKET BUFFERING AND FLUSHING, the following documents:

- \* Transmittal (1 page)
- \* Fee Transmittal (1 page)
- \* Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (2 pages)
- \* Amendment (18 pages)

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**JUL 03 2006**

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